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Takamasa Iwaki

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Jack Schwartz & Associates
Suite 1510
1350 Broadway
New York, NY 10018

EXAMINER

NGUYEN, SON T

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,870	Applicant(s) IWAKI ET AL.	
	Examiner Son T. Nguyen	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claim 2** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 1, the phrase “the has” is unclear.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 20 & 24** are rejected under 35 U.S.C. 102(b) as being anticipated by Sugo (5641482).

For claim 20, Sugo teaches a floor mat laid in a small animal rearing cage (such as a toilet, col. 2, line 3, or in a house) for housing and rearing a small animal, said floor mat being a sheet (col. 2, line 2, because a mat is a flat sheet of material) wherein the sheet is formed of an improved cellulose fabric (col. 1, lines 56-66, col. 2, lines 1-2) comprising cellulose (col. 1, lines 56-66, col. 2, lines 1-2) having carboxyl groups (col. 2, lines 15-16) chemically bound (by graft polymerization, col. 2, lines 19-25) thereto, wherein the cellulose carboxyl groups chemically bound thereto is formed in a shape of a sheet.

For claim 24, Sugo teaches wherein the cellulose having groups chemically bound thereto is formed with a graft polymerization method (col. 2, lines 19-55).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-3, 5-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugo (as above) in view of Ito et al. (5939088).

For claim 1, Sugo teaches a floor mat laid in a small animal rearing cage for housing and rearing a small animal (col. 2, line 2), said floor mat being a sheet (because a mat is a flat sheet of material); wherein the sheet is formed of an improved cellulose fabric (col. 1, lines 56-66, col. 2, lines 1-2) comprising cellulose (col. 1, lines 56-66, col. 2, lines 1-2) having carboxyl groups (col. 2, lines 15-16) chemically bound (by graft polymerization, col. 2, lines 19-25) thereto wherein the cellulose having carboxyl groups chemically bound thereto is formed in a shape of a sheet. However, Sugo is silent about the sheet having a flexibility to a degree that can wrap the body of the small animal and a size that covers at least the entire abdomen of the small animal, where the flexibility and size are such that the sheet is capable of being seamlessly folded onto itself, even after being laid down in a form where the sheet is randomly folded onto itself so as to form a fold large enough for the small animal to hide at least half of its body.

Ito et al. teach in the same field of endeavor of floor mat for animal as Sugo in which Ito et al.'s mat is a sheet 12 having a flexibility to a degree that can wrap the body of the small animal and a size that covers at least the entire abdomen of the small animal, where the flexibility and size are such that the sheet is capable of being seamlessly folded onto itself, even after being laid down in a form where the sheet is randomly folded onto itself so as to form a fold large enough for the small animal to hide at least half of its body (see fig. 4 for the flexibility of the sheet being folded onto itself seamlessly). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a sheet with the features as taught by Ito et al. in place of the sheet of Sugo in order to provide a sheet that is flexible and able to wrap around the animal for warmth.

For claim 2, Sugo as modified by Ito et al. teaches wherein the has a temperature holding property to a degree that can keep the body temperature of the small animal (because of the material the sheet is made of, there will be some degree of temperature holding property).

For claims 3 & 7, Sugo as modified by Ito et al. (emphasis on Sugo) teaches wherein the sheet has a water absorption property (col. 1, line 62) and deodorization property (col. 2, lines 46-52 and see title of invention).

For claims 5 & 8, Sugo as modified by Ito et al. (emphasis on Sugo) teaches wherein the cellulose having carboxyl groups chemically bound thereto is formed with a graft polymerization method (col. 2, lines 9-55).

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For claims 6 & 9, Sugo as modified by Ito et al. (emphasis on Sugo) teaches amount of carboxyl groups per dry fabric (col. 2, lines 17-18, and in example 2). However, Sugo as modified by Ito et al. does not specifically teach wherein improved cellulose fabric contains 40 to 140 millimole carboxyl groups per 100 g of dry fabric. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the improved cellulose fabric of Sugo as modified by Ito et al. contains 40 to 140 millimole carboxyl groups per 100 g of dry fabric, since it has been held that where routine testing and general experimental conditions are present, discovering the optimum or workable ranges until the desired effect (more potent or not) is achieved involves only routine skill in the art.

7. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugo as modified by Ito et al. as applied to claim 1 above, and further in view of Newton (2004/0163603).

Sugo as modified by Ito et al. is silent about wherein the sheet has a tearing resistance.

Newton teaches in the same field of endeavor of floor mat for animal as Sugo as modified by Ito et al., in which Newton employs a pet pad cover comprising a sheet that is made out of a tear resistance material ([0011]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a tear resistance material as taught by Newton for the sheet of Sugo as modified by Ito et al. in order to prevent an animal from tearing the sheet.

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8. **Claims 10,11,13,14,16-19,26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugo (as above) in view of Ito et al. (as above) and Otsuji et al. (2001/0009142).

For claim 10, Sugo as modified by Ito et al. teaches the floor mat with the features as explained above (teaching of Sugo) and the sheet with flexibility and folding property as explained in the above (teaching of Ito et al.). Not explained is the small animal rearing cage comprising a rearing box having a floor and a wall provided at a circumference of the floor.

Otsuji et al. teach in the same field of endeavor of floor mat for animal as Sugo as modified by Ito et al., in which Otsuji et al. employ a rearing box 2 having a floor and a wall provided at a circumference of the floor, and a mat 1 laid therein the box. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the sheet of Sugo as modified by Ito et al. in a rearing box as taught by Otsuji et al. in order to keep the sheet confined so that the animal will not drag the sheet everywhere.

For claim 11, Sugo as modified by Ito et al. and Otsuji et al. teach wherein the sheet has a temperature holding property to a degree that can keep the body temperature of the small animal (because of the material the sheet is made of, there will be some degree of temperature holding property).

For claims 13 & 18, Sugo as modified by Ito et al. and Otsuji et al. (emphasis on Sugo) teaches amount of carboxyl groups per dry fabric (col. 2, lines 17-18, and in example 2). However, Sugo as modified by Ito et al. and Otsuji et al. does not

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specifically teach wherein improved cellulose fabric contains 40 to 140 millimole carboxyl groups per 100 g of dry fabric. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the improved cellulose fabric of Sugo as modified by Ito et al. and Otsuji et al. contains 40 to 140 millimole carboxyl groups per 100 g of dry fabric, since it has been held that where routine testing and general experimental conditions are present, discovering the optimum or workable ranges until the desired effect (more potent or not) is achieved involves only routine skill in the art.

For claims 14 & 17, Sugo as modified by Ito et al. and Otsuji et al. (emphasis on Sugo) teaches wherein the cellulose having carboxyl groups chemically bound thereto is formed with a graft polymerization method (col. 2, lines 9-55).

For claims 16 & 26, Sugo as modified by Ito et al. and Otsuji et al. (emphasis on Sugo) teaches wherein the sheet has a water absorption property (col. 1, line 62) and deodorization property (col. 2, lines 46-52 and see title of invention).

For claim 19, it appears from fig. 4 of Ito et al. that the sheet is larger than the rearing box of Otsuji et al. since the sheet of Ito et al. is folded several times. However, if not, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the sheet of Sugo as modified by Ito et al. and Otsuji et al. be larger in size than the floor area of the rearing box in order to better soak up urine or the like by provide coverage for the whole floor area, and to provide a larger cushion area for the animal.

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9. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugo as modified by Ito et al. and Otsuji et al. as applied to claim 10 above, and further in view of Newton (as above).

Sugo as modified by Ito et al. and Otsuji et al. is silent about wherein the sheet has a tearing resistance.

Newton teaches in the same field of endeavor of floor mat for animal as Sugo as modified by Ito et al., in which Newton employs a pet pad cover comprising a sheet that is made out of a tear resistance material ([0011]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a tear resistance material as taught by Newton for the sheet of Sugo as modified by Ito et al. and Otsuji et al. in order to prevent an animal from tearing the sheet.

10. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugo (as above).

Sugo teaches amount of carboxyl groups per dry fabric (col. 2, lines 17-18, and in example 2). However, Sugo does not specifically teach wherein improved cellulose fabric contains 40 to 140 millimole carboxyl groups per 100 g of dry fabric. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the improved cellulose fabric of Sugo contains 40 to 140 millimole carboxyl groups per 100 g of dry fabric, since it has been held that where routine testing and general experimental conditions are present, discovering the optimum or workable ranges until the desired effect (more potent or not) is achieved involves only routine skill in the art.

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11. **Claims 22,23,25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugo (as above) in view of Otsuji et al. (as above).

For claim 22, Sugo teaches the floor mat as explained in the above. Not explained is the small animal rearing cage comprising: a rearing box having a floor and a wall provided at a circumference of the floor.

Otsuji et al. teach in the same field of endeavor of floor mat for animal as Sugo, in which Otsuji et al. employ a rearing box 2 having a floor and a wall provided at a circumference of the floor, and a mat 1 laid therein the box. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the sheet of Sugo in a rearing box as taught by Otsuji et al. in order to keep the sheet confined so that the animal will not drag the sheet everywhere.

For claim 23, Sugo as modified by Otsuji et al. (emphasis on Sugo) teaches amount of carboxyl groups per dry fabric (col. 2, lines 17-18, and in example 2). However, Sugo as modified by Otsuji et al. does not specifically teach wherein improved cellulose fabric contains 40 to 140 millimole carboxyl groups per 100 g of dry fabric. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the improved cellulose fabric of Sugo as modified by Otsuji et al. contains 40 to 140 millimole carboxyl groups per 100 g of dry fabric, since it has been held that where routine testing and general experimental conditions are present, discovering the optimum or workable ranges until the desired effect (more potent or not) is achieved involves only routine skill in the art.

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For claim 25, Sugo as modified by Otsuji et al. (emphasis on Sugo) teaches wherein the cellulose having carboxyl groups chemically bound thereto is formed with a graft polymerization method (col. 2, lines 19-55).

Response to Arguments

12. Applicant's arguments with respect to claims 1-14, 16-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 571-272-6889. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Son T. Nguyen/
Primary Examiner, Art Unit 3643